

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SOUTHERN TERRACE HOMEOWNERS
ASSOCIATION,

Plaintiff,

vs.

VIEGA, INC., et al.,

Defendants.

Case No. 2:12-cv-00206-JCM-PAL

ORDER

(Mot. To Stay - Dkt. #92)

(Mot. To Stay - Dkt. #98)


The court conducted a hearing on July 10, 2012, on Third-Party Defendant Ferguson Enterprises, Inc.'s Request for Stay of Scheduling Order (Dkt. #92), Vanguard Piping System, Inc.'s, et al. Motion to Stay Discovery (Dkt. #98). Troy Isaacson and Sergio Salzano were present on behalf of the Plaintiff. Peter Brown, Amanda Yen, Gil Glancz, Howard Lieber, Tom Fuller, Jennifer Arledge, Brian Ure and Gustia Kieloom were present on behalf of the Defendants. The court considered the moving and responsive papers (Dkt. ## 100, 102, 103, 104, 105, 107, 109, 128, 129 and 136), and the arguments of counsel at the hearing.

The hearing on these motions was set after the Omnibus hearing scheduled by Chief Judge Jones on a related yellow-brass case held June 21, 2012 in Waterfall v Viega, 2:11-cv-1498 RCJ-GWF. During oral argument, Vanguard's counsel stated that Chief Judge Jones had already agreed that the claims against the product manufacturers should be severed from the majority of the other claims and that discovery should proceed on different tracks. However, at this time, no written order has been entered regarding that ruling. Counsel for all parties agree that this case should be transferred to Chief Judge Jones with the other related cases before him (2:08-cv-01223-RCJ-GWF; 2:11-cv-00783-RCJ-CWH; 2:11-cv-00812-RCJ-CWH; 2:11-cv-00830-RCJ-CWH). Counsel also agree that a single discovery plan and scheduling order should be entered in all the related cases.

IT IS ORDERED that:

1. The Motions (Dkt. #92, 98) are **GRANTED** to the extent that a temporary stay is entered pending a decision concerning whether this action will be transferred for consolidated pre-trial proceedings to Chief Judge Jones and Magistrate Judge George W. Foley.
2. Counsel for the parties shall meet and confer and submit a proposed discovery plan and scheduling order within 14 days of decision on the request to transfer.

Dated this 10th day of July, 2012.


Peggy A. Leen
United States Magistrate Judge